

REMARKS

Reconsideration and allowance are respectfully requested.

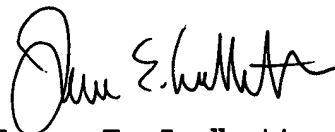
The allowance of claims 12 and 13 is acknowledged with appreciation. Claims 1-11 were canceled in the Preliminary Amendment filed September 23, 2003. Editorial changes to claims 12 and 13 (supported by Figs. 3 and 5, e.g.) are made to correct antecedent basis problems and a typographical error, with Exhibit I containing a marked up version of the amended claims. The specification is amended to update the reference to the parent application. A Supplemental Reissue Declaration is attached.

The original Letters Patent was surrendered in the parent reissue application on March 4, 2003.

A notice of allowance is respectfully solicited.

If any issues remain which may best be resolved through a telephone interview, the examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



James E. Ledbetter
Registration No. 28,732

Date: October 27, 2004
JEL/att
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Exhibit I

12. A heat sink apparatus comprising:

a heat sink apparatus substrate for being attached to a heat heat emitting element, and having a bottom portion with a standing wall mounted thereon;

a driving device supported by said substrate;

an axial fan mounted on said driving device;

a plurality of fins provided ~~in said housing, said fins~~ being provided substantially in parallel to an air flow direction that exists at an end portion of said standing wall; and

a cover mounted on said standing wall, wherein said driving device protrudes through an opening formed on said cover and a height of an upper surface of said fan and a height of an upper surface of said cover are lower than that of an upper surface of said driving device relative to said bottom wall portion.

13. A heat sink apparatus comprising:

a heat sink apparatus substrate for being attached to a heat emitting element, and having a bottom portion with a standing wall mounted thereon, said standing wall defining an air outlet,

a driving device supported by said substrate;

an axial fan mounted on said driving device;

a plurality of fins provided ~~in said housing, said fins~~
~~being provided~~ substantially in parallel to said standing wall at
said air outlet; and

a cover mounted on said standing wall, wherein said driving
device protrudes through an opening formed on said cover and a
height of an upper surface of said fan and a height of an upper
surface of said cover are lower than that of an upper surface of
said driving device relative to said bottom wall portion.



SUPPLEMENTAL REISSUE DECLARATION

We, as the below-named inventors, hereby declare that our residences, post office addresses and citizenships are as stated below adjacent our names, that we verily believe we are the original, first and joint inventors of the invention described and claimed in Letters Patent No. 5,940,268 issued August 17, 1999 and in the specification filed April 1, 1997, serial number 08/831,430, and for which invention we solicit a reissue patent; that the present application number 10/667,336 filed September 23, 2003, is a divisional application of parent reissue application no. 09/930,437 which issued as RE 38,382 on January 13, 2004; that we have reviewed and understand the contents of the present specification filed September 23, 2004, including the claims; that we acknowledge our duty to disclose information of which we are aware which is material to the examination of this Reissue Application in accordance with Title 37, Code of Federal Regulations, §1.56(a); and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States prior to filing of Application Serial No. 08/831,430 (from which Patent 5,940,268 issued) by us or our legal representatives or assigns, except as follows:

Japanese Patent Application No. 8-082306 filed April 4, 1996.

The priority of Japanese application no. 8-082306 was claimed in said U.S. application and are also hereby claimed in this Reissue Application and a certified copy is available in the parent file.

We further declare that we believe said Letters Patent is, through errors which arose without deceptive intent on the part of the applicants, wholly or partially inoperative by reason of claiming more or less than we had a right to claim in the patent. An error relied upon as the basis for reissue include the failure of the patent to include a claim having the features of "A heat sink apparatus comprising a heat sink apparatus substrate for being attached to a heat emitting element, and having a bottom portion with a standing wall mounted thereon; a driving device supported by said substrate; an axial fan mounted on said driving device; a plurality of fins provided substantially in parallel to an air flow direction that exists at an end portion of said standing wall; and a cover mounted on said standing wall, wherein said driving device protrudes through an opening formed on said cover and a height of an upper surface of said fan and a height of an upper surface of said cover are lower than that of an upper surface of said driving device relative to said bottom portion."

All errors in the patent which are being corrected in the present reissue application up to the time of filing of this Declaration arose without any deceptive intention on the part of the applicants.

Every error in the patent which was corrected in the present reissue application, and is not covered by the prior declaration

submitted in this application, arose without any deceptive intention on the part of the applicant.

We hereby appoint the following as our attorneys of record with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office:

James E. Ledbetter, Registration No. 28,732; Thomas P. Pavelko, Registration No. 31,689; and Anthony P. Venturino, Registration No. 31,674.

All correspondence in connection with this application should be sent to:

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We, as the undersigned inventors, further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the reissue application or of any reissue patent to issue thereon.

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